UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/634
10 July 1998

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1163 (1998) of 17 April 1998 by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 20 July 1998, and requested me to report to it every 30 days on the progress of the implementation of the Settlement Plan (S/21360 and S/22464 and Corr.1) and the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III (S/1997/742, annexes I to III). The present report covers developments since my previous report to the Council dated 18 June 1998 (S/1998/534).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

2. During the reporting period, my Special Representative, Mr. Charles F. Dunbar, continued his consultations on various issues related to the implementation of the Settlement Plan. He met with the Prime Minister of Morocco, Mr. Abderrahmane Youssoufi, and the Minister for Foreign Affairs of Morocco, Mr. Abdellatif Filali, at Rabat on 18 and 19 June 1998, and with the POLISARIO Coordinator with MINURSO, Mr. M'Hamed Khaddad, in the Tindouf area of Algeria on 23 June.

A. Identification process

3. In June 1998, MINURSO identified a total of 13,142 applicants to the referendum. A high level of activity was thus maintained in the identification process, despite interruptions at the sessions held in Mauritania (see para. 6 below). As at 6 July 1998, 104,200 applicants had been convoked for identification since the resumption of the process in December 1997. Of those, 75,555 appeared before the Identification Commission to be interviewed. With the 60,112 applicants who had been identified during the initial phase of the process (August 1994-December 1995), the total number of persons identified thus far comes to 135,667.

4. MINURSO presented both parties with a provisional programme of identification for July and August 1998, which has yet to be finalized. The Identification Commission suspended its operations for the week of 6 to 10 July in observance of local holidays, but identification is still proceeding on schedule. With the full cooperation of both parties, identification of most applicants from tribal groups other than H41, H61 and J51/52 should be completed in August 1998.

5. The Government of Morocco has maintained the position that it will not participate in the identification of those applicants from tribal groupings H41, H61 and J51/52 who are listed in the 1974 Spanish census and their immediate families, until the overall issue of the identification of all applicants from those three groupings is resolved. Thus, the identification of the 603 applicants concerned could not proceed, since the presence of observers of the two parties is required for the identification sessions to proceed, according to my predecessor's compromise proposal of 1993 on the interpretation and application of the criteria and procedures for establishing the identity of prospective voters (S/26185, annex I).

6. On 25 June, Moroccan observers halted the identification sessions at the Zouerate centre in Mauritania, on the grounds that certain applicants who reported to that centre had changed their place of residence from the refugee camps in the Tindouf area to Mauritania. Yet, as indicated in my letter of 12 December 1997 to the President of the Security Council (S/1997/974), both parties had agreed with MINURSO on 14 November 1997 that changes of address and any other information pertinent to the determination of the appropriate identification centre could be provided by either party. In a letter to the Government of Morocco dated 28 June, the Identification Commission expressed concern regarding this latest development and sought the participation of Moroccan observers attending identification sessions in Mauritania. However, on 1 July, the Government of Morocco reiterated its refusal to allow changes of address between the refugee camps and Mauritania. This action could affect up to 2,000 applicants in Mauritania.

7. In their consultations with my Special Representative, both parties have maintained their former positions with regard to the outstanding issue of the identification of the H41, H61 and J51/52 tribal groupings, including the proposal contained in my report of 15 January 1998 (S/1998/35) that MINURSO complete, as a first step, the identification of the 4,000 individuals who had presented themselves on the days of convocation of members from the above three groupings who are listed in the 1974 census and of their immediate families.

B. Military aspects

8. As at 6 July 1998, the military component of MINURSO stood at 366 observers and other military personnel (see annex), including the demining unit from Sweden and advance elements of the engineering support unit from Pakistan deployed in accordance with Security Council resolution 1148 (1998) of 26 January 1998. Under the command of Major-General Bernd S. Lubenik (Austria), the military component of the Mission continues to monitor the ceasefire which came into effect on 6 September 1991 between the Royal Moroccan Army and the

Frente POLISARIO forces. The MINURSO area of responsibility remains calm, and there have been no indications that either side intends to resume hostilities.

9. The advance party of the military engineering support unit from Pakistan stands at 6 staff officers and 53 military personnel. The advance party has commenced construction of facilities in Laayoune and Smara for the unit's main body and in support of the demining activities. Some elements have been deployed for the planned refurbishment of subsector command facilities located east of the defensive sand-wall ("berm").

10. The demining unit from Sweden stands at 4 staff officers and 73 troops, including the unit's remaining 14 members who deployed to the Mission area on 1 July 1998. The remainder of contingent-owned equipment, excluding weapons and ammunition, arrived in Laayoune on 5 July 1998. During the reporting period, the unit undertook mine assessment studies at 14 of the proposed military construction sites, finalized operational priorities, conducted road reconnaissance for transport planning and continued to mark unexploded ordnance within the Mission area. However, pre-deployment training remains to be completed upon receipt of contingent arms and ammunition. Major initial difficulties regarding preparation, construction and occupation of a logistics complex at a privately owned facility in Laayoune have been resolved, and operations at the site are now proceeding smoothly.

11. In June 1998, the military engineering support and demining units of MINURSO also supported route reconnaissance conducted by the Office of the United Nations High Commissioner for Refugees (UNHCR) in the northern sector. An operational planning session took place between the Mission's military units and UNHCR representatives in the Tindouf area, to refine military support for repatriation and resettlement plans in preparation for the UNHCR workshop to be held in Laayoune later in July 1998.

12. The MINURSO engineering support and demining units will not be fully operational until the arrival of their weapons and ammunition. In this regard, consultations between MINURSO and the Moroccan authorities are expected to be held in the coming days, to work out practical arrangements for the carriage of weapons and custody of equipment and ammunition by those units.

13. The early conclusion of the status-of-forces agreements, the drafts of which were submitted to Morocco on 31 March 1998 and to Algeria and Mauritania on 3 April 1998, would greatly facilitate the full and timely deployment of MINURSO formed military units. On 29 June, the Secretariat received a formal reply from the Government of Algeria, along with several proposed amendments to the draft agreement, and is currently reviewing these proposals. In a formal reply dated 2 July, the Government of Mauritania confirmed its acceptance of the draft agreement, adding some minor comments. The Secretariat expects that the status-of-forces agreements with those two Governments may be signed as soon as possible. In the meantime, the Moroccan authorities have indicated that they were finalizing their response to the draft agreement and would submit it shortly.

C. Civilian police aspects

14. The total number of civilian police officers assigned to MINURSO stands at 80 out of an approved total of 81 (see annex). Under the command of the Civil Police Commissioner, Chief Superintendent Peter Miller (Canada), the civilian police component of MINURSO continues to provide security and assist the Identification Commission at all operating identification centres; it also provides security after working hours for identification materials at the Mission headquarters in Laayoune. The work of the Mission's civilian police in support of the identification operation has been proceeding relatively smoothly and will continue to follow the Identification Commission's schedule.

15. However, preparations by the MINURSO civilian police related to the repatriation of Saharan refugees have been hindered by problems encountered in the conduct of UNHCR activities in the Territory (see para. 16 below) and by difficulties in obtaining relevant information from the Government of Morocco. The Civil Police Commissioner hopes that this situation will be rectified in the near future, so that greater emphasis may be directed towards the planning process for the safe return of refugees eligible to vote and their immediate families.

D. Preparatory work for the repatriation of Saharan refugees

16. During the reporting period, UNHCR continued with its preparatory work for the repatriation of Saharan refugees, as provided for under the Settlement Plan, albeit at a reduced pace in view of delays expected in the implementation of the Plan as well as for the following reasons: although its discussions in Rabat yielded some positive results, UNHCR still awaits clearance from the Government of Morocco on a number of remaining issues before it can undertake activities in Western Sahara, as planned in its repatriation programme. The formalization of UNHCR's presence in Western Sahara, arrangements to ensure the freedom of access and movement of UNHCR personnel throughout the Territory and the implementation of UNHCR preparatory work, such as confidence-building and infrastructure development, are still pending. With regard to these issues, the Secretariat was informed by the Moroccan authorities on 9 July 1998 that they were prepared to cooperate with UNHCR. Renewed discussions in Rabat with the Ministry of the Interior regarding UNHCR role and activities in Western Sahara, including a joint visit to the Territory, are expected to take place later in July.

17. In view of the above limitations, UNHCR has decided not to launch an appeal for funds, as was indicated in my previous report (S/1998/534). However, UNHCR will continue with its preparatory activities in the Tindouf refugee camps in Algeria, in northern Mauritania and in the eastern part of the Territory, and the balance of funds currently available would be sufficient for this purpose until the end of 1998. Should conditions change, UNHCR would consider launching an appeal in due course.

18. Pre-registration of refugees continued in northern Mauritania and Algeria. At Zouerate and Nouadhibou in Mauritania, UNHCR has pre-registered 14,000 persons to date and intends to continue this exercise until MINURSO has completed the identification operation in Mauritania. Pre-registration resumed

at the Tindouf camps in Algeria, where 18,000 refugees have been pre-registered thus far. UNHCR continued with other preparatory activities in the Tindouf camps, including water and infrastructure development, information-sharing, assessment of refugee needs and mine awareness. In addition, UNHCR air and road reconnaissance was completed. In the coming days, UNHCR expects to share with MINURSO its logistics planning, including the results of the road reconnaissance, so that safe repatriation routes and sites may be identified as soon as possible.

E. Other aspects

19. On 26 May, the Government of Morocco informed my Special Representative that, in its view, the use of MINURSO aircraft should be limited exclusively to MINURSO personnel, particularly on flights between Laayoune and Tindouf. The airport authorities in Laayoune have since denied access to MINURSO flights to Tindouf to a British correspondent and a Portuguese television crew, as well as to Tindouf and Smara to an Argentine photographer commissioned by his Government to prepare a book on Argentina's role in United Nations peacekeeping operations, including MINURSO.

20. Following attempts to resolve the issue, my Special Representative addressed a letter to the Government of Morocco on 30 June, stressing that visits by diplomats, staff of non-governmental organizations and journalists directly related to the mandate of MINURSO contribute to the conduct of the Mission's activities and to the transparency of the process. While indicating that he would ensure that national requirements for appropriate travel documents, as well as United Nations standard practices were respected, my Special Representative reaffirmed his strong belief that those visitors should be allowed to fly aboard MINURSO aircraft and asked the Government of Morocco to reconsider its position.

III. FINANCIAL ASPECTS

21. As indicated in my report of 16 March 1998 (A/52/730/Add.3 and Corr.2), the proposed budget for the maintenance of MINURSO for the period from 1 July 1998 to 30 June 1999 amounts to $65.1 million gross. Pending my further recommendations on the revised timetable for the implementation of the Settlement Plan, the General Assembly, by its resolution 52/228 B of 26 June 1998, provided an initial bridging appropriation of $21.6 million gross, equivalent to a monthly rate of $5.4 million gross, for the period from 1 July to 31 October 1998.

22. Accordingly, should the Security Council decide to extend the mandate of MINURSO to 21 September 1998, as recommended in paragraph 30 below, the cost of maintaining the Mission during the extension period would be limited to the monthly rate approved by the General Assembly.

23. As at 30 June 1998, unpaid assessed contributions to the MINURSO special account for the period from inception to 30 June 1998 amounted to $65.6 million.

The total outstanding assessed contributions for all peacekeeping operations as at 30 June 1998 was $1,527.9 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

24. The substantial increase in the pace of identification in June and early July will, if sustained, enable MINURSO to complete, during the month of August 1998, the identification of applicants from all Saharan tribes other than tribal groupings H41, H61 and J51/52. Both Morocco and the Frente POLISARIO have generally cooperated in ensuring that the process moves forward, with the exception of the difficulties described in paragraphs 5 and 6 above. It would be imperative therefore to resolve these difficulties so that the identification of all applicants other than those from groupings H41, H61 and J51/52 may be completed on schedule.

25. As mentioned in my report to the Security Council dated 18 June (S/1998/534), it is important that UNHCR's presence in the Territory be formalized and that substantive consultations between the Moroccan Government and UNHCR be conducted as soon as possible, in order to allow the latter to promote the necessary climate of confidence among the refugees, enabling them to return under conditions of safety and dignity. In this regard, I have taken note with satisfaction that, as indicated in paragraph 16 above, the Moroccan authorities have expressed their readiness to cooperate with UNHCR.

26. Formal replies to the draft status-of-forces agreements have been received from Algeria and Mauritania, and I hope that the agreements with these two Governments may be signed shortly. I also expect that the Moroccan authorities will provide an early positive response, as indicated in paragraph 13 above, so that the status-of-forces agreement may also be concluded with them without further delay.

27. The restrictions imposed on the use of MINURSO aircraft, which are not in line with the practice of United Nations peacekeeping operations, could have a negative public relations impact on the peace process in Western Sahara and could reduce the availability to Security Council members and troop and police contributing nations of useful information related to the Mission.

28. The issue of how to proceed with the identification of members of tribal groupings H41, H61 and J51/52, other than those included in the 1974 census and their immediate families, is the only major impediment to MINURSO's completing the identification phase and moving on to the final phase of the referendum process. The differences between the two parties in the interpretation of the status accorded to applicants from those three groupings in the Settlement Plan and the Houston agreements remain substantial. My Special Representative has been unable to obtain, from either party, practical suggestions which would allow for reconciliation of their points of view.

29. In my report to the Council of 13 April 1998 (S/1998/316), I indicated that if, by the end of June, sufficient progress had been made in the identification process and in the search for solutions to the contentious issue of tribal groupings H41, H61 and J51/52, I would submit recommendations for a revised

timetable for the full implementation of the Settlement Plan with this report. In the light of what has transpired, and particularly taking into account the progress made on identifying applicants from tribes other than those three groupings, I have asked that, after substantial completion of the process of identifying all groups other than H41, H61 and J51/52, my Personal Envoy consider engaging the parties in seeking a solution to the problem of identifying those three tribal groupings and to other issues bearing upon the implementation of the Settlement Plan. Thereafter, my Personal Envoy would assess the implementability of the Plan in its present form, examine whether there are any adjustments to the Plan, acceptable to the parties, which would significantly improve the chances of implementing it, and if there are not, advise me on possible avenues to be pursued. Such an assessment would influence my conclusions as to the continued viability of MINURSO's mandate.

30. In order to provide time for the course of action suggested in the preceding paragraph, I recommend that MINURSO's mandate be extended for a period of two months, until 21 September 1998. Accordingly, instead of submitting my next report in mid-August 1998, I intend to submit it by 15 September 1998. If, by then, it appears that there is still a possibility that the Settlement Plan can be implemented, I shall submit a revised timetable along with the report to the Security Council. If, on the other hand, it appears that the Settlement Plan is no longer viable, it will be my intention to include recommendations on the continued viability of MINURSO's mandate in the next report.

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 6 July 1998

	Military observers	Staff officers	Troops	Civilian police observers	Total
Argentina	1	-	-	-	1
Austria	5	-	-	-	5*
Bangladesh	6	-	-	-	6
Canada	-	-	-	8	8
China	16	-	-	-	16
Egypt	19	-	-	2	21
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	10	23
Greece	1	-	-	-	1
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Ireland	8	-	-	-	8
India	-	-	-	10	10
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	10	23
Nigeria	5	-	-	10	15
Norway	-	-	-	2	2
Pakistan	5	6	53	8	72
Poland	3	-	-	-	3
Portugal	4	-	-	10	14
Republic of Korea	-	-	20	-	20
Russian Federation	25	-	-	-	25
Sweden	-	4	73	10	87**
Uruguay	13	-	-	-	13

	Military observers	Staff officers	Troops	Civilian police observers	Total
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	203	10	153	80	446

* In addition to the Force Commander.

** Including four national support elements (NSE).

Map No. 3691 Rev. 17 UNITED NATIONS
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